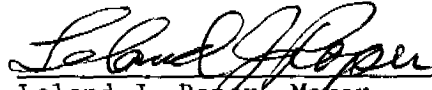
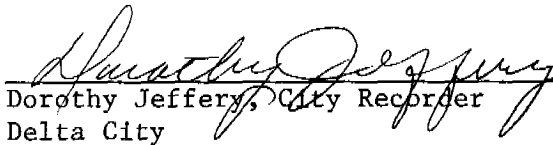


The regular council meeting was adjourned at 8:45 p.m. for a ten (10) minute recess, afterwhich, the meeting reconveined into a Closed Council Meeting.

The Council reconveined into an open Regular Council Meeting at 10:30 p.m. Mayor Roper asked for any further discussion or comments, there being none, Councilman Don Bird made a MOTION to adjourn the meeting, MOTION SECONDED by Councilman Callister, meeting adjourned at 10:35 p.m.


Leland J. Roper, Mayor
Delta City


Dorothy Jeffery, City Recorder
Delta City

MINUTES OF A REGULAR COUNCIL MEETING HELD NOVEMBER 09, 1981.

PRESENT:

Leland J. Roper
Max Bennett
Don Bird
Thomas Callister
Cecil Losee
Willis Morrison

Mayor and Presiding
Councilman
Councilman
Councilman
Councilman
Councilman

ABSENT:

None

OTHERS PRESENT:

Neil Forster
Ray Valdez
John Quick
Warren Peterson
Dorothy Jeffery
Nadine Nielson

Public Works Superintendent
City Building Inspector
City Engineer
City Attorney
City Recorder
City Secretary

Gayle Bunker
Gary Bunker
Dee Church
Dr. M.A. Lyman
Reed Wood

Bunker & Sons Construction
Bunker & Sons Construction
City Resident
City Resident
City Resident

Velma B. Talbot	City Resident
J. LaMont Works	City Resident
Josephine Pratt	City Resident
John Pratt	City Resident
Seth Jackson	City Resident
Alisha Jackson	City Resident
Maud Iverson	City Resident
Newell Iverson	City Resident
Melvin J. Hawley	City Resident
Ruth Hansen	City Resident
Tyler Richmond	KANK Radio Station
Jr. James Nickle	County Resident
Harris Simmons	Zions First National Bank
Randy Turner	Willard Nelson Architect Co.
Ashley Carpenter	Carpenter and Stringham
Jack Ehlers	Ehlers & Ehlers Architects
Ronald Bruner	Ehlers & Ehlers Architects
Robert Borwn	Woodbury, Brown, Schmutz Assoc.
Richard Schmutz	Woodbury, Brown, Schmutz Assoc.

Mayor Leland J. Roper called the meeting to order at 7:00 p.m. he stated that the meeting was a regularly called City Council Meeting and that the time, place and agenda of the meeting had been posted at the Delta City offices and that copies had been mailed to each member of the governing body two (2) days before the date of the meeting and to the Millard County Chronicle, the Millard County Gazette and to KNAK, a local radio station at least 24 hours before the meeting.

Dorothy Jeffery, the Delta City Recorder was present and acted as secretary.

APPROVAL OF MINUTES OF NOVEMBER 02, 1981 MEETING

Minutes of a regular city council meeting held November 02, 1981 were reviewed by the Council members. Several corrections were recommended by Council Members. Councilman Don Bird then MOVED the minutes be approved as corrected. The motion was SECONDED by Councilman Thomas Callister and the motion was approved by the unanimous vote of all council members present.

Mayor Roper informed the council members that the proposed minutes for the closed portion of the November 02, 1981 meeting would not be available for approval until the council meeting scheduled for November 16, 1981.

REVIEW OF ACCOUNTS PAYABLE

The current accounts payable, a list of which had been mailed to the Council members along with the Notice and Agenda of the meeting, were reviewed by the Council. The accounts payable were read by Dorothy Jeffery, after which a discussion was held on certain accounts. Council member Willis Morrison then MOVED the accounts payable be approved for payment as listed. The motion was SECONDED by Council member Cecil Losee and was approved by unanimous vote of the Council members.

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PRESENTATION OF DELTA CHAMBER OF COMMERCE CHRISTMAS ACTIVITY PLANS.

Mayor Roper then introduced Tyler Richmond, the Delta Chamber of Commerce President. He stated that she was not on the agenda, but that she had asked for time to discuss the Christmas activities planned by the Chamber of Commerce so that the City and the Chamber of Commerce can coordinate their activities. Mayor Roper then yeilded the floor to Ms. Richmond.

Ms. Richmond informed the Council members that Marilyn Blanch and Sherrie Lewis have been appointed as chairpersons for the Chamber of Commerce activities and that Al Foster had been requested to serve as Santa Claus for the Christmas parade and other related activites. Ms. Richmond also requested information on the date on which the Chrismas lights and decorations along Main Street would be installed and turned on. The dates for the lights to be turned on was established November 27, The dates for public appearances of Santa Clause were set for Saturday, November 28 and Saturday, December 12. Ms. Richmond requested that the City attempt to have the Christmas lights at an earlier date in 1982 to aid the businesses in the Delta Business district.

Ms. Richmond also invited the Mayor and the council members to attend a luncheon meeting of the Chamber of Commerce scheduled at the Pendray Plaza on Tuesday, November 10 at 1:00 p.m.

BUNKER AND SONS REQUEST FOR R-3-A ZONING OF LOT 1, BLOCK 35 OF PLAT A, DELTA TOWNSITE

Mayor Roper next moved to the agenda item regarding the request from Bunker and Sons for a zone change from the Residential two (R-2) to the Residential Zone Three A (R-3-A) zone to permit construction of two (2) four-plex units at 330 South 2nd West on Lot 1, Block 35 of the Delta Townsite. Mayor Roper stated that he had received letters protesting the zone change from a number of residents in the neighborhood. The letters stated basically that they were opposed to four-plex housing that the streets were inadequate to accommodate traffic for that housing density, that the water and sewer systems were not adequate and that the proposed use was not compatible with the land use pattern in that neighborhood. The letters were read to the City Council and the names of persons submitting letters were also read. The letters are on file in the City Recorder's office for public review.

Council member Callister stated that he felt those persons who had filed objections to the zone change and that would be personally affected should be given proper regard by the Council.

There were a number of residents of that neighborhood in attendance at the meeting. Mayor Roper allowed time for any interested residents to address the Council regarding the zone change.

After further discussion, Councilman Callister MOVED that the request submitted by Bunker and Sons be denied. Councilman Bird SECONDED the motion. The motion passed without descending vote.

APPROVAL OF A RESOLUTION AUTHORIZING ISSUANCE OF INDUSTRIAL REVENUE BONDS
TOTALLING \$440,000.00

Mayor Roper recognized Harris Simmons of Zions First National Bank to present a request from Zions Bank for a resolution authorizing issuance of industrial revenue bonds in accordance with an Inducement Resolution and Memorandum or Agreement approved by the City Council on _____, 1981. Mr. Simmons explained to the Council that the resolution authorizing issuance had been prepared and submitted to the City Attorney's office. He explained the content of the resolution and the bond documents referred to in the resolution. He explained that the proceeds from sale of the industrial revenue bonds were to be used to finance the Zions First National Bank building already constructed in the City of Delta.

Mr. Simmons requested that the City Attorney, Warren Peterson, explain a discussion between Mr. Simmons and Mr. Peterson regarding the wording of the agenda notice that the resolution authorizing issuance would be approved at the Council Meeting. Mr. Peterson explained that the notice on the agenda may not have been adequate as notice that the Council intended to authorize issuance. He also explained that the possibility of Congressional action limiting use of industrial revenue bonds was imminent and that if the Council desired to approve the resolution, it should be done so at this meeting in spite of the defect in notice in order to avoid conflict with Congressional action. He further suggested that if the Council desired to adopt the resolution immediately, that the resolution should be ratified at a later date by the City Council.

Council member Bird reminded the Council members that they had agreed to grant the industrial revenue bond to Zions and suggested that the Council approve the request for issuance of the bonds. He asked Mr. Peterson whether the City faced any risk in approving the resolution without postponement. Mr. Peterson explained that the major risk was to Zions First National Bank, not to the City, inasmuch as the industrial revenue bond was for their benefit. He recommended, however, that the ratification procedure be followed.

After further discussion, Council member Bird MOVED that the Council adopt the resolution authorizing and approving the issuance and sale by the City of Delta, Utah of its Industrial Development Revenue Bonds, Zions Utah Bank Corporation Project, Series 1981, in the aggregate principal amount of \$440,000.00 and the execution and delivery of documents and instruments in connection therewith (Resolution No. 81-48). The motion was SECONDED by Council member Bennett. Mayor Roper called for further discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Max Bennett	Yes
Don Bird	Yes
Thomas Callister	Yes
Cecil Losee	Yes
Willis Morrison	Yes

Mayor Roper ruled that the motion carried.

Mr. Simons then gave instructions on the signing of the resolution and related documents. The resolution was signed by Mayor Roper and attested by Dorothy Jeffery as City Recorder and filed as part of the official public records of the City of Delta.

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DISCUSSION OF BUELL, WINTER, MOUSEL AND ASSOCIATES - AIRPORT ENGINEERING SERVICES CONTRACT

Mayor Roper explained that Todd Wirthlin of Buell, Winter, Mousel and Assoc. had prepared and sent to the City a proposed contract for engineering services on the airport improvements project. He explained to Mr. Wirthlin that copies of the contract had been given to members of the City Council and to the City Attorney's office.

Mayor Roper requested that the City Attorney review the contract terms with the Council members and provide an evaluation of the contract.

Mr. Peterson raised the following questions:

1. The contract specifies a scope of work to be completed by the engineering firm. He requested that Mr. Wirthlin review the scope of work with the Council members to assure that the Council agreed with the engineer on the work to be completed. Mr. Wirthlin reviewed the scope of work proposal with the Council Members.
2. Mr. Peterson stated that the contract did not have time limitations of any type. Mr. Wirthlin explained that it was the intention of his firm to proceed expeditiously with the airport project, but he had no objection to establishing a time limit of 60-90 days to obtain funding and a second limitation within which the project should be completed.
3. Attorney Peterson suggested that the contract provision requiring that contract disputes be settled by arbitration be stricken, as arbitration was expensive and difficult to undertake due to the geographic location of Delta. Mr. Wirthlin stated that the Federal Aviation Administration required the arbitration clause in all contracts involving FAA funding.
4. Mr. Peterson reminded Mr. Wirthlin that his firm had agreed to impose no obligation for payment on the City unless funding could be received from the Federal Aviation Administration or other sources on a grant basis. Mr. Wirthlin explained that that was the intention of their firm and that they expected funding within 60-90 days.

Mayor Roper instructed Mr. Wirthlin that Delta City had negotiated for and received an agreement from Intermountain Power Project to fund certain improvements at the airport as part of the 1981 budget. He suggested that Mr. Wirthlin review the budget and work this funding into the airport plan.

After a further discussion of the airport project, Councilman Losee made a MOTION that the Council approve the engineering services agree, subject to the changes discussed and that Mayor Leland J. Roper be authorized to execute the contract document when completed. The motion was SECONDED by Council member Bird and was approved unanimously by the Council members.

ARCHITECTURAL FIRM PROPOSALS FOR PROPOSED DELTA MUNICIPAL BUILDING

The following architectural firms were asked to present proposals for the proposed Delta City Building.

Representatives of the following companies presented information regarding their firms:

1. Carpenter and Stringham
2. Ehlers & Ehlers Architects
3. Willard Nelson Architect Co.

Each of these firms presented materials to the City Council which were filed with the City Recorder for public use and review.

WOODBURY, BROWN, SCHMUTZ ASSOCIATES REQUEST FOR AN INDUCEMENT RESOLUTION AND MEMORANDUM OF AGREEMENT REGARDING AN INDUSTRIAL REVENUE BOND ISSUE FOR CONSTRUCTION OF A SHOPPING CENTER IN DELTA

Richard Schmutz of Woodbury, Brown, Schmutz and Robert Brown presented to the Council for their review and consideration, a resolution authorizing and inducing the execution of a memorandum of agreement with Woodbury, Brown, Schmutz Associates a Utah partnership, regarding the issuance of industrial development revenue bonds for a commercial and industrial project and the memorandum referred to in the inducement resolution. Mayor Roper requested that Mr. Schmutz explain why the inducement resolution and memorandum had not been sent to the City prior to the council meeting so that the Mayor, Council members and City Attorney could review the same. Mr. Schmutz apologized for not sending the documents at an earlier date.

The Council members then took time to review the documents, after which Mayor Roper requested that the City Attorney comment on the form of the resolution and memorandum of agreement. Mr. Peterson listed six (6) items which the Council should consider in evaluating the request. There are as follows:

1. Does the project fall within the feasibility guidelines established by the City for projects financed by industrial revenue bonds.
2. Were the developers of the project in a financial position of sufficient strength to complete the project and assure repayment of the bonds.
3. Would the financing of this project through industrial revenue bonds have a detrimental effect on the existing business district in Delta City and on the proposed redevelopment district?
4. The time frame proposed in the memorandum of agreement should be reduced from three (3) years.
5. The inducement resolution and memorandum of agreement did not provide for the administrative fee for issuance of an industrial revenue bonds established by the City Council.
6. The agenda for this Council meeting did not provide sufficient information on the proposed bond to impart notice to the public.

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Mr. Schmutz and Mr. Brown responded to each of these items. They expressed great concern that Congressional action would make this method of financing unavailable to them if the City Council deferred action on the resolution for another week until the resolution and memorandum of agreement could be redrafted.

The Council member discussed at great length the effect of the shopping center on the existing business district. Concern was expressed that this may cause further deterioration of the business district, but that failure to act on the request could jeopardize the possibility of increasing and improving the City's sales tax base. There was also discussion among Council members whether the proposed shopping center would actually strengthen the City's commercial district.

Councilman Callister expressed concern over the reputation and reliability of the developers.

After a lengthy discussion, the following resolution was introduced in writing after having been fully examined by the Council members. A MOTION was duly made by Willis Morrison to adopt the resolution and SECONDED by Council member Don Bird. Mayor Roper called for a roll call vote. Voting was as follows:

Max Bennett	Yes
Don Bird	Yes
Thomas Callister	No
Cecil Losee	Yes
Willis Morrison	Yes

The resolution was then signed by the Mayor in open meeting and recorded by the City Recorder in the official records of the City of Delta, Utah. The resolution and memorandum of agreement are on file in the office of the City Recorder for public review.

DISCUSSION OF FINAL DRAFT OF DELTA CITY SANITARY SEWER BY JOHN QUICK

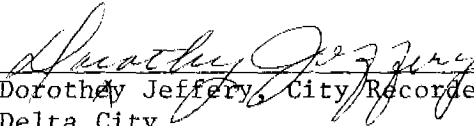
City Engineer, John Quick, presented each of the Councilmen and the Mayor with a copy of the final draft of the Delta City Sanitary Sewer Study prepared by Bush & Gudgeon. The document was reviewed and discussed in detail by the Council members. Copies of the study were filed with the City Recorder for public use.

CANVASS OF THE NOVEMBER 03, 1981 DELTA CITY MUNICIPAL ELECTION RETURNS

Mayor Roper advised Council members that they constituted the Board for the Delta municipal elections. The Mayor presented the Council with a copy of the summary of total votes cast in the November 03, 1981 municipal election to be canvassed by the governing body, along with the City Election Clerk, Dorothy Jeffery. The votes were reviewed and approved by the Council acting as the Board of Canvassers.

Mayor Roper then asked if there was any further business to be conducted by the Council members or any other persons present. There being no other business, Council member Callister MOVED to adjourn the meeting. The motion was SECONDED by Councilman Bird and approved unanimously by the Council members. Mayor Roper then called the meeting adjourned at 11:55 p.m.


Leland J. Roper, Mayor
Delta City


Dorothy Jeffery, City Recorder
Delta City

A Public Hearing was held November 16, 1981 at 6:30 p.m. at the Delta City Offices for the purpose of receiving public comment regarding the proposed ordinance establishing compensation for the elected officials and other officers of the City of Delta.

PRESENT:

Leland J. Roper	Mayor and presiding
Max Bennett	Councilman
Don Bird	Councilman
Thomas Callister	Councilman
Cecil Losee	Councilman
Willis Morrison	Councilman

ABSENT:

None

OTHERS PRESENT:

Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder
Ray Valdez	City Building Inspector
Grant Neilson	City Resident

Mayor Roper, being present, called the meeting to order at 6:30 p.m. Dorothy Jeffery, being present, acted as secretary.

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